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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/802,518
Filing Date: March 16, 2004
Appellant(s): JANIK ET AL.

Craig M. Janik
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 22, 2012.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 2, 4, 6 – 10, 31 – 48

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated March 12, 2012 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New

grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of Claim 31 under 35 U.S.C. 103(a) has been withdrawn.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,940,833	Jonas	9-2005
20040152450	Kouznetsov	8-2004
7,245,649	Haartsen	7-2007
5,812,942	Allen	9-1998
20020066018	Linnartz	5-2002
20020065564	Sheriff	5-2002
6,993,587	Basani	1-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 2, 4, 6 – 10, 32 – 39, 41, 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649) and in further view of Kouznetsov et al. (US 2004/0152450)

Regarding Claims 1, 32, 37, 43, Sheriff teaches a system comprising: a server computer having an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with a portable device at a point in time (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the

wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state/causing the wireless transceiver subsystem of the portable device to use a wireless transceiver to synchronize content stored in the portable device with content in a server computer in response to the wireless transceiver subsystem of the portable device being transitioned to the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode), wherein the wireless transceiver has an associated antenna (Figure 2, Section 0044, antenna (245), See also Response To Arguments set forth in the Office Action dated May 27, 2010), and wherein the wireless transceiver synchronizes content stored in the portable device with content in a server computer via an antenna associated with said wireless transceiver (Figure 2, Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, antenna (245), See also Response To Arguments set forth in the Office Action dated May 27, 2010).

Sheriff does not teach a portable device/apparatus comprising: a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver; and a wireless transceiver subsystem in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless

transceiver; wherein the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state and receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated.

Haartsen teaches a Bluetooth system in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the paging message is received via wireless means thus there will an antenna involved), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the receiver chain of the transceiver receives the paging message and, in response to said paging message, said transceiver will conduct the connection procedure in order for synchronized communication to be established, the receiver chain is a part of the transceiver thus said receiver chain is in contact or communication with said transceiver), wherein the wireless receiver subsystem is configured to continuously and

automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the first power mode is the sleep mode, which consumes hardly any power and the second power mode is the scan mode, which is a low-power mode but still consumes more power than the sleep mode); and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the standby state is the low-power scanning mode and the active state is the connection mode in which a synchronized communication link is established) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the scanning mode is a low-power mode and consumes less power than the connection mode wherein messages are exchanged at a higher hop rate and a synchronized communication link is established).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Sheriff with the detection and power management features of Haartsen for the purposes of power conservation and establishing communication links more quickly as taught by Haartsen. The combination of Sheriff and Haartsen render a wireless receiver with a first antenna and a wireless transceiver with a second antenna.

Sheriff in view of Haartsen does not teach receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated.

Sheriff in view of Haartsen teaches the base process polling for the purpose of automatic content synchronization, which the claimed invention can be seen as an improvement in that a user can customize the polling such that said polling will occur at times selected by said user.

Kouznetsov teaches the known technique teaches receiving, from a user interface, a predetermined future time selected by a user at which a process is to be initiated (Sections 0017 lines 1 - 4, 0018 lines 1 - 4) that is applicable to the base process of Sheriff in view of Haartsen.

Kouznetsov's known technique set forth above would have been recognized by one skilled in the art as applicable to the base process of Sheriff in view of Haartsen and the results would have been predictable and resulted in a flexible system wherein the user can create a schedule wherein the polling will occur thus enabling the user to customize the polling, which is an improved process.

Therefore, the claimed subject matter would have been obvious to a person having ordinary skill in the art at the time the invention was made. Modifying the polling process of Sheriff with the polling technique of Kouznetsov renders a scenario wherein the time of the polling process of Sheriff is selected by a user. Since the automatic synchronization is tied to said polling time, the automatic synchronization time is effectively selected by the user.

Regarding Claim 2, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transmitter is physically coupled to the server computer (Figure 1, the primary content manager can communicate via wireless means thus there will be a wireless transmitter).

Regarding Claim 4, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer causes the wireless transmitter to transmit the signal periodically until the portable device responds to the signal (Sections 0037, 0039 lines 9 – 13, the primary content manager periodically transmits inquiry messages which comprise access codes, when the access code matches the Bluetooth enabled devices access code said Bluetooth enabled devices will respond with an acknowledgement signal).

Regarding Claim 6, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Haartsen further teaches wherein the wireless receiver includes a radio frequency (RF) receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the page message is sent via RF thus the receiver will need to be an RF receiver) Sheriff further teaches wherein the wireless transmitter includes a RF transmitter (Figure 1, Sections 0037, 0039 lines 9 – 13, the Bluetooth transceivers comprise RF transmitters).

Regarding Claims 7, 41, 45 Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claims 1, 37, 43. Sheriff further teaches a pager network receiver/pager message (Section 0053 lines 3 – 7, the

pager receiver receives paging messages).

Regarding Claim 8, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless receiver includes a mobile cellular phone network receiver (Section 0053 lines 3 - 7).

Regarding Claim 9, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transceiver includes a wireless local area (WLAN) transceiver (Section 0037).

Regarding Claim 10, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer includes a personal computer (Section 0033, conventional general purpose computers comprise personal computers).

3. Claims 32 – 39, 41, 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649) in view of Kouznetsov et al. (US 2004/0152450) and in further view of Jonas et al. (US 6,940,833)

Regarding Claims 32, 37, 43, Sheriff teaches a system comprising: a server computer having an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate

an automatic process of content synchronization with a portable device at a point in time (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state/causing the wireless transceiver subsystem of the portable device to use a wireless transceiver to synchronize content stored in the portable device with content in a server computer in response to the wireless transceiver subsystem of the portable device being transitioned to the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode), wherein the wireless transceiver has an associated antenna (Figure 2, Section 0044, antenna (245), See also Response To Arguments set forth in the Office Action dated May 27, 2010), and wherein the wireless transceiver synchronizes content stored in the portable device with content in a server computer via an antenna associated with said wireless transceiver (Figure 2, Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11,

antenna (245), See also Response To Arguments set forth in the Office Action dated May 27, 2010).

Sheriff does not teach a portable device/apparatus comprising: a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver; and a wireless transceiver subsystem in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver; wherein the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state and receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated in response to a command from the server computer.

Haartsen teaches a Bluetooth system in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the paging message is received via wireless means thus there will an antenna involved), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless

transceiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the receiver chain of the transceiver receives the paging message and, in response to said paging message, said transceiver will conduct the connection procedure in order for synchronized communication to be established, the receiver chain is a part of the transceiver thus said receiver chain is in contact or communication with said transceiver), wherein the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the first power mode is the sleep mode, which consumes hardly any power and the second power mode is the scan mode, which is a low-power mode but still consumes more power than the sleep mode); and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the standby state is the low-power scanning mode and the active state is the connection mode in which a synchronized communication link is established) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the scanning mode is a low-power mode and consumes less power than the connection mode wherein messages are exchanged at a higher hop rate and a synchronized communication link is established).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Sheriff with the detection and

power management features of Haartsen for the purposes of power conservation and establishing communication links more quickly as taught by Haartsen. The combination of Sheriff and Haartsen render a wireless receiver with a first antenna and a wireless transceiver with a second antenna.

Sheriff in view of Haartsen does not teach receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated.

Sheriff in view of Haartsen teaches the base process polling for the purpose of automatic content synchronization, which the claimed invention can be seen as an improvement in that a user can customize the polling such that said polling will occur at times selected by said user.

Kouznetsov teaches the known technique teaches receiving, from a user interface, a predetermined future time selected by a user at which a process is to be initiated in response to a command (Sections 0017 lines 1 - 4, 0018 lines 1 – 4, See also Response To Arguments set forth above) that is applicable to the base process of Sheriff in view of Haartsen.

Kouznetsov's known technique set forth above would have been recognized by one skilled in the art as applicable to the base process of Sheriff in view of Haartsen and the results would have been predictable and resulted in a flexible system wherein the user can create a schedule wherein the polling will occur thus enabling the user to customize the polling, which is an improved process.

Therefore, the claimed subject matter would have been obvious to a person having ordinary skill in the art at the time the invention was made. Modifying the polling process of Sheriff with the polling technique of Kouznetsov renders a scenario wherein the time of the polling process of Sheriff is selected by a user. Since the automatic synchronization is tied to said polling time, the automatic synchronization time is effectively selected by the user.

Sheriff in view of Haartsen and in further view of Kouznetsov contained a system that differed from the claimed process by the substitution of step determining the time of day. Jonas teaches the substituted step of acquisition of the time of day from a server computer (Col. 8 lines 20 - 22, line 53 (3.2 Acquiring Time Of Day from the time server), which is known in the art as means for determining the time of day. Sheriff in view of Haartsen and in further view of Kouznetsov step of determining the time of day could have been substituted with the above step of Jonas as an alternative means for achieving the predictable result of determining the time of day.

Therefore, the claimed subject matter would have been obvious to a person having ordinary skill in the art at the time the invention was made.

Regarding Claim 33, Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claim 32. Haartsen further teaches wherein the wireless receiver subsystem comprises a microprocessor, coupled to the wireless receiver, to periodically enable the wireless receiver (Cols. 5 lines 1 – 11, typical Bluetooth devices comprise microprocessors that

control the various functions of said devices thus there will be a microprocessor coupled to the receiver chain).

Regarding Claim 34, Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claim 33. Haartsen further teaches wherein the microprocessor consumes less power in the first power mode than in the second power mode, and the microprocessor enables the wireless receiver when the microprocessor is in the second power mode (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the sleep mode consumes less power than the low-power mode scanning mode thus all components of the receiver, including the processor, will consume less power in the sleep mode than in the low-power scanning mode, the microprocessor controls the functions of the Bluetooth device thus said microprocessor will control the receiver to scan in the scanning mode).

Regarding Claim 35, Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claim 33. Haartsen further teaches wherein the wireless transceiver subsystem comprises a microprocessor to enable the wireless transceiver in response to the signal; and a power supply system, coupled to the microprocessor of the wireless transceiver subsystem, to provide power to the microprocessor of the wireless transceiver subsystem (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the microprocessor controls the functions of the

Bluetooth device thus said microprocessor will control the transceiver to conduct the connection mode, the microprocessor needs power in order to control the transceiver thus said microprocessor will receive power).

Regarding Claim 36, Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claim 35. Haartsen further teaches wherein the microprocessor of the wireless receiver subsystem causes the power supply system to provide power to the microprocessor of the wireless transceiver subsystem in response to receipt of the signal (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the microprocessor controls the functions of the Bluetooth device thus said microprocessor will control the transceiver to conduct the connection mode, the microprocessor needs power in order to control the transceiver thus said microprocessor will receive power).

Regarding Claim 38, Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claim 37. Haartsen further teaches using the wireless receiver system of the portable device to enable a power supply system subsystem of the portable device to thereby cause the wireless transceiver subsystem of the portable device to transition from the standby state to the active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized

communication link is established, the transceiver will thus receive power when it is time to transition to the connection mode).

Regarding Claim 39, Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claim 38. Haartsen further teaches cycling the wireless receiver subsystem of the portable device between first and second power modes, wherein the wireless receiver subsystem of the portable device is operable in the second power mode to enable the power supply system subsystem of the portable device in response to the wireless signal, and wherein the wireless receiver subsystem of the portable device consumes less power in the first power mode than in the second power mode (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the scan mode consumes less power than the connection mode thus all components of the receiver, including the processor, will consume less power in the scan mode than in the connection mode).

Regarding Claims 41, 45 Sheriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claims 37, 43. Sheriff further teaches a pager network receiver/pager message (Section 0053 lines 3 – 7, the pager receiver receives paging messages).

4. Claims 40, 44 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649) in view of Kouznetsov et al. (US 2004/0152450) in view of Jonas et al. (US 6,940,833), as applied to Claims 37, 43 above, and further in view of Allen et al. (5,812,942)

Regarding Claims 40, 44, Sheriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claims 37, 43. Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas does not teach wherein the wireless signal includes a radio frequency (RF) pulse.

Allen, which also teaches a low power device, teaches wherein a wireless signal includes a radio frequency (RF) pulse (Cols. 1 lines 64 – 65, 2 lines 32 – 36).

It would have been obvious to on one of ordinary skill in the art to modify the low power device of Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas with the RF pulse circuitry of Allen for the purpose of creating a more versatile low power device that can receive RF pulse signals.

5. Claims 42, 46 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649) in view of Kouznetsov et al. (US 2004/0152450) in view of Jonas et al. (US 6,940,833), as applied to Claims 37, 43 above, and further in view of Linnartz (US 2002/0066018)

Regarding Claims 42, 46, Sheriff in view of Haartsen in view of Kouznetsov and in further view of Jonas teaches all of the claimed limitations recited in Claims 37, 43.

Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas does not teach decoding an encrypted message carried by the wireless signal.

Linnartz teaches decoding an encrypted message carried by the wireless signal (Section 0028 lines 1 - 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the encryption method taught by Linnartz in the Bluetooth system of Sherriff in view of Haartsen in view of Kouznetsov and in further view of Jonas for the purpose of authenticating the Bluetooth enabled devices in order to enable user privacy as taught by Linnartz.

6. Claims 47, 48 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649) in view of Kouznetsov et al. (US 2004/0152450), as applied to Claim 1, and further in view of Basani et al. (US 6,993,587)

Regarding Claim 47, Sheriff in view of Haartsen and in further view of Kouznetsov teaches all of the claimed limitations recited in Claim 1. Sheriff in view of Haartsen and in further view of Kouznetsov does not teach a user interface configured to receive and set a plurality of predetermined synchronization times.

Basani, which also teaches content synchronization, teaches a user interface configured to receive and set a plurality of predetermined synchronization times (Col. 5 lines 19 – 24, user can schedule a plurality of synchronizations thus there will be a plurality of predetermined synchronization times).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sheriff in view of Haartsen and in further view of Kouznetsov with the above feature of Basani for the purpose of providing an intelligent system that is able to determine job conflicts thus enabling a user to reschedule a job such as a content synchronization as taught by Basani.

Regarding Claim 48, Sheriff in view of Haartsen in view of Kouznetsov and in further view of Basani teaches all of the claimed limitations recited in Claim 47. Basani further teaches receiving and storing a plurality of predetermined synchronization times from the user interface (Col. 5 lines 19 – 24, user can schedule a plurality of synchronizations thus there will be a plurality of predetermined synchronization times received and stored).

(10) Response to Argument

Examiner respectfully disagrees with Appellants assertion "Kouznetsov fails to provide any indication that central server 12 receives, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated and causes the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time, as recited in Claim 1, or that the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer, as recited in Claims 32, 37, and 43 (emphasis added)". Sheriff teaches wherein the server computer is programmed to cause the

wireless transmitter to transmit a signal, which is a polling signal, to initiate the automatic process of content synchronization with a portable device at a point in time (Sections 0037, 0040). Kouznetsov, as detailed in the Office Action dated November 16, 2011 and the Office Action dated March 12, 2012, teaches receiving, from a user interface, a predetermined future time selected by a user at which a polling process is to be initiated (Sections 0017 lines 1 - 4, 0018 lines 1 – 4). The automatic process of content synchronization of Sheriff is tied to a polling step (See Section 0037 of Sheriff), which means that the time of said automatic content synchronization is dependent on/tied to the time of the polling. Modifying the polling process of Sheriff with the polling technique of Kouznetsov renders a scenario wherein the time of the polling process of Sheriff is selected by a user. Since the automatic synchronization is tied to said polling time, the automatic synchronization time is effectively selected by the user. The combination of Sheriff and Kouznetsov, as a whole, thus renders feature wherein a central server receives, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated and causes the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time. Additionally, in order for the polling process of Kouznetsov to initiate at a particular time chosen by the user there would need to be some kind of command from the computer, which conducts the polling, at said particular time that prompts the transmitter of said computer to initiate said polling process. Kouznetsov thus teaches the feature of polling at a predetermined time specified by a user in response to a command from the

computer. The automatic process of content synchronization of Sheriff, as detailed above, is tied to a polling step, which means that the time of said automatic content synchronization is dependent on/tied to the time of the polling. Modifying the polling process of Sheriff with the polling technique of Kouznetsov renders a scenario wherein the time of the polling process of Sheriff is selected by a user. Since the automatic synchronization is tied to said polling time, the automatic synchronization time is effectively selected by the user. The combination of Sheriff and Kouznetsov, as a whole, thus renders the feature of synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer.

Regarding Applicants' Assertions about Jonas

Kouznetsov, as set forth above, teaches receiving, from a user interface, a predetermined future time selected by a user at which a polling process is to be initiated in response to command, wherein said command, which is received at a particular time of day selected by the user, prompts the transmitter to initiate said polling process at a said particular time of day that is selected by the user. Jonas was cited for its teaching of an alternate means for providing the time of day. Sherrif in view of Kouznetsov, as scheduled above, reads on the claimed server with user interface with the ability to cause the initiation of automatic content synchronization at the predetermined future time selected by the user and reads on synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Raymond S Dean/

Primary Examiner, Art Unit 2618

August 22, 2012

Conferees:

/DUC NGUYEN/

Supervisory Patent Examiner, Art Unit 2618

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618